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SOMETHING MORE ABOUT BLACK DUCKS.

BY WILLIAM BREWSTER.

THE 'Fourteenth Supplement to the American Ornithologists' Union Check-List of North American Birds,' published in a recent number of 'The Auk,'¹ contains the following announcement (p. 361):—"The name *Anas obscura* Gmelin, 1788, proves to be preoccupied by *Anas obscura* Pontoppidan, 1763, for an Old World species, and no other name being available, *rubripes* of Brewster is adopted as a substitute. (Richmond, MS.) There is some question as to the validity of the form recognized as No. 133a [*i. e.*, *Anas obscura rubripes*] which, by the above action, is now cancelled."

I am told that the closing sentence of the passage just quoted has been very generally understood to imply that, in the opinion of the A. O. U. Committee, it is no longer desirable to recognize more than one northern form of the Black Duck. Its wording would certainly seem to justify such an interpretation, especially as "133a, *Anas obscura rubripes* Brewster" is mentioned elsewhere in this same supplement (p. 352) in a list of "Eliminations," with the remark that it is "equivalent to No. 133," *i. e.*, to *Anas obscura* of the Check-List. As a matter of fact, however, the status of *rubripes* has not been passed on, nor even, I think, reconsidered, by the Committee since the form was accepted as a valid subspecies and given a place in our Check-List. I make this statement advisedly, after confirming my personal recollection of the history of the case by questioning the chairman of the Committee, Dr. Allen, and the Secretary, Dr. Richmond, regarding it. Dr. Allen writes me (under date of December 21, 1908) that "the Committee simply took *rubripes* as the only available name for the Black Duck group, without ruling on the status of *rubripes* as a subspecies of *obscura*, leaving a name for the Green-legged Black Duck to be provided for, presumably by you." I have heard from Dr. Richmond, also, to the effect that no action has been taken at any recent meeting of the Committee respecting the status of the form *rubripes*.

¹ Vol. XXV, No. 3, July, 1908, pp. 343-399.

It is truly deplorable that the Black Duck of our New England and Middle States, the *Anas obscura* of Gmelin, should have to relinquish the appropriate and familiar name which it has borne unchanged, and unaccompanied by a single synonym, for more than one hundred years. There is no other alternative, however, at least from the view point of ornithologists who take Linnæus at 1758 instead of 1766 and who also subscribe to the maxim "Once a synonym always a synonym." Since the unfortunate bird is now left without any specific scientific title I propose that it be hereafter known as *tristis*, partly because of its subdued coloring but also to commemorate the sad fate it has been called upon to suffer at the hands of authorities on nomenclature. If this name be not preoccupied in Anatidæ (one can never be absolutely sure in respect to such a matter), the two more northern forms of the Black Duck group will stand, respectively, as follows:—

Anas rubripes Brewster. RED-LEGGED BLACK DUCK.

Anas rubripes tristis Brewster. BLACK DUCK.

It must be admitted that it seems very like adding insult to injury to thus relegate it to a subordinate place in the group where it has long stood at the very head, a bird which has just been robbed of an ancestral and time-honored name. Nor does this arrangement meet with the approval of all my scientific friends. Two of those whom I have consulted about it—both eminent zoölogists for whose opinion on such a matter I have the highest respect—hold that as the *Anas obscura* of Gmelin was, as far as we know, the first form of Black Duck to be recognized and described by ornithologists it should continue to be regarded as the original or "parent" form and that *rubripes*, which has been separated from it only very recently, should bear the trinomial appellation and take second place. This view appeals to me strongly. Indeed, it seems so logical and so obviously based on sound scientific principle that I have been tempted to adopt and act on it. But there is a practical consideration entitled, evidently, to still greater weight which Mr. Witmer Stone has expressed in the following words, contained in a letter that he has just written me:—"The whole thing comes down to a realization of the fact that we cannot represent more than one thing in our technical nomenclature and that is the *earliest name* for the form according to our Code. Evolution and history have

to be looked after in some other way." In other words the question is not so much one of principle — scientific or otherwise — as of expediency and of accepted usage. It will not do for those of us who have tacitly agreed to abide by the rules laid down in our Code, to disregard them when, as must occasionally happen, they run counter to our personal convictions or preferences. Canon XXIX of the Code (Canon XXV of the revised edition) provides that "when a species is separated into subspecies, or when species previously supposed to be distinct are found to intergrade, the earliest name applied to any form of the group shall be the specific name of the whole group." In the Black Duck group, as represented by its two more northern-ranging forms, we have now two names, and two only, to consider, *rubripes* 1902 and *tristis* 1909. As *rubripes* is clearly the earlier of the two it must become the specific name for this portion of the group. With *obscura* we have nothing further to do since it cannot again be used for any North American Duck in the genus *Anas*.

Under happier auspices I should have welcomed the chance of suggesting a name for the Black Duck. To have won the right to do so by being the first ornithologist to differentiate and describe so fine a bird would have been just cause for honest pride. But merely to replace a long-established name by a new and hence unfamiliar one is but an empty honor, in which I take no satisfaction. Indeed, I should not have cared to meddle in the matter at all had it not been for the purpose of correcting the misapprehension that has arisen respecting the present attitude of the Committee with regard to *rubripes*. For this form I am in a way responsible — as its original describer. I believe too strongly that it is a good subspecies to be willing to have it neglected or overlooked because of any confusion or misunderstanding due to the somewhat changed application of its name. That the characters which I have ascribed to it are presented by great numbers of specimens, and that with many of these they are so pronounced as to be easily recognized at gun-shot distance in living birds — especially when seen on wing — no one at all familiar with them seems able to deny. But there are a few ornithologists and sportsmen, I understand, who maintain — or at least suspect — that they are age or sexual characteristics, having no racial significance. Among these men,

apparently, is Dr. Townsend, who, in the 'Birds of Essex County, Massachusetts' ¹ has much of interest to say about *rubripes*. His testimony impresses me as being confirmatory, in the main, of the conclusions which I have reached regarding this form, although to his mind it seems to have a somewhat opposite bearing. While avoiding any definite expressions of belief he suggests "for the sake of argument, that *rubripes* is merely the adult male of *obscura*." I was inclined at first to entertain this theory but it was promptly discarded when the opportunity (mentioned ² in connection with my original description of *rubripes*) occurred of comparing the skins of six fully mature, breeding Black Ducks (in the Collection of Mr. Batchelder) from Newfoundland with four from regions bordering on Hudson Bay. For I found that all the Newfoundland specimens were essentially typical of the form then known as *obscura*, although one of them was an adult male, whereas the other four birds were equally good representatives of the form that I named *rubripes*, although two of them were females. In view of these facts (to which Dr. Townsend does not allude), and of the apparent absence of any counter evidence of a similarly definite kind, I feel justified in maintaining that at present there would seem to be no good reasons for doubting that the large Black Duck with coral red legs, bright yellow bill and spotted throat, which I have called *rubripes*, is subspecifically distinct from the bird hitherto known as *obscura*. Nor am I likely to relinquish this conviction until it has been shown to be untenable. If this is ever accomplished it must be either by observation of living birds, reared in confinement from their early youth to full maturity, or by further study and comparison of specimens collected at the height of the breeding season in definitely known localities. For the examination of any number of Black Ducks of miscellaneous and uncertain ages, shot in autumn and winter in regions where they assemble and intermingle at this time of year after having migrated from unknown summer haunts, is unlikely to ever prove anything conclusively beyond the fact — which I have freely admitted from the first — that *rubripes* and *tristis* intergrade. Were it not so they would be distinct species, which I have neither asserted nor believed.

¹ Memoirs Nutt. Orn. Club III, 1905, pp. 125-128.

² Auk, XIX, April, 1902, p. 187.

Just as eels are said to have become reconciled to being skinned alive, so most ornithologists are learning, I suspect, to regard with resignation or indifference, not unmingled with disgust, the ever-increasing and apparently quite hopeless instability of their technical nomenclature. Fortunately there are the English names of birds to which one may turn with blessed sense of relief because of their comparatively fixed and stable character. For they have changed but little since the days of Wilson and Audubon, although purists have not failed to suggest that they should be critically looked into and perhaps extensively emended. Heaven forbid that this ever come to pass! It would mean universal chaos in ornithological nomenclature. Surely we have enough of trial and tribulation to bear with this ceaseless tinkering of the scientific names. They stand, of course, on a different basis from the others, being governed by a complicated system of laws and traditions to which we have so bound ourselves that we must support and enforce them unflinchingly, though the skies fall. For this state of affairs, indeed, there would seem to be no help despite the nomenclatural tragedies which continue to follow one another in dreary and endless succession. Among these there has perhaps been no recent case sadder to contemplate than that afforded by the Black Ducks. Nor is the rearrangement of names in this group which I have just proposed certain to prove final. It might be overthrown, for example, by the discovery that the Florida Duck or the Mottled Duck intergrades with one or the other of the two more northern forms. If this possibility should ever develop into an established fact it would become necessary to treat three of these birds as subspecies of the fourth which would be the Florida Duck, *Anas fulvigula*, for its name dates back to 1874, and hence is older than those of any of the others.